

Wednesday, July 21, 2021

Haley M. Delery
504 Belleville Street
New Orleans, Louisiana 70114

**Re: Louisiana Board of Ethics
Docket No. 2021-475**

Dear Ms. Delery:

The Louisiana Board of Ethics ("Board"), at its August 6, 2021 meeting, considered your request for an advisory opinion as to whether the Louisiana Code of Governmental Ethics ("Code") would prohibit you from providing landscape architectural services to ILSI Engineering while employed by the City of New Orleans Capital Projects Administration.

FACTS PROVIDED

You are currently a senior city planner with the City of New Orleans City Planning Commission ("Commission"). In that position, your responsibilities and duties include: administrative, professional, and technical work in overseeing major planning functions or projects that include research, analysis, development, presentation, or interpretation of concepts and data pertaining to planning and implementation of plans planning surveys; and related work as required. You would like to perform outside consulting work while remaining employed by the Commission. Specifically, you would like to provide landscape architectural services for ILSI Engineering, who is in the process of submitting an RFQ (Request for Qualifications) to the City of New Orleans Department of Public Works ("DPW"). ILSI does not have any contractual, business, or financial relationship with the Commission.

LAW

La. R.S. 42:1111(C)(1)(a) prohibits a public servant from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated.

La. R.S. 42:1111(C)(2)(d) provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be

rendered, to or for any person during his public service unless such services are: (d) Neither performed for nor compensated by any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency; conducts operations or activities which are regulated by the public employee's agency; or has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

La. R.S. 42:1115(A)(1) prohibits a public servant from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to have a contractual, business, or financial relationship with the public servant's agency.

La. R.S. 42:1115(A)(2) prohibits a public servant from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person is seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency.

La. R.S. 42:1115(B)(1) prohibits a public employee from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person conducts operations or activities that are regulated by the public employees' agency.

La. R.S. 42:1115(B)(2) prohibits a public employee from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has a substantial economic interest which may be substantially affected by the performance or nonperformance of the public employee's office duty.

CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, that the Code would not prohibit you from providing outside landscape architectural services to ILSI Engineering while remaining employed by the Commission. La. R.S. 42:1111(C)(1)(a) prohibits a public servant from receiving any thing of economic value from a nonpublic source for any service that is "devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated." The services you would be providing to ILSI Engineering are not devoted substantially to the responsibilities, programs, and operations of the Commission. Additionally, La. R.S. 42:1111(C)(2)(d) would not prohibit your outside employment because ILSI Engineering does not have a contractual, business, or other financial relationship with your agency and, thus, is not a prohibited source.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

LaToya D. Jordan
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.